

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

In item 6 on page 3 of the Office Action, claims 22-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner indicates that the limitation “the received audio contents” in line 23 of claim 22 causes a lack of sufficient antecedent basis. By this amendment, claim 22 has been amended to change the language “the received audio contents” to --the audio contents of the received data--. It is submitted that claim 22 is in compliance with 35 U.S.C. § 112, second paragraph.

Claims 22-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Imai et al. Claims 22-28 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Yoshida et al. These rejections are traversed and are in applicable to claims 22-28 as amended herein.

Claim 22 has been amended to recite that the superdistribution format data includes identification information identifying a user of the data conversion apparatus. Claim 22 has also been amended to recite a user ID storage section storing the identification information identifying the user of the data conversion apparatus, a ciphering section ciphering the attribute information obtained from the external equipment and identification information stored in said user ID storage section, and that the data format conversation section is operable to add the ciphered attribute information and identification information to the audio contents to thereby convert the audio contents together with the obtained attribute information to the superdistribution data format.

The Examiner’s attention is directed to page 16, lines 15-20, page 17, lines 7-21, and page 19, line 6 to page 20, line 5 of the present specification.

In the present claimed invention, a data format judging section judges whether or not the data to be processed is of a superdistribution format (which is suitable for use in online network distribution), and in the case where it is judged that the received data is not of the superdistribution format, the attribute information obtaining section obtains the attribute information corresponding to the audio contents from the external equipment, and the data format conversion section converts

the received audio contents into the superdistribution format data by adding the ciphered attribute information and identification information to the audio contents and thereby converting the audio contents together with the obtained attribute information to the superdistribution data format.

In addition, the presently claimed invention has a specific feature such that, when the superdistribution data is secondarily distributed, the data supply source user is specified by reference to the user ID, i.e., user identification information.

Moreover, the attribute information and the user ID are ciphered. By this arrangement, the information can be prevented from being altered.

Thus, in the presently claimed invention, whereas the user ID information is obtained by the storage portion within the apparatus, the attribute information is obtained from the external equipment. By adding the user ID and attribute information to the contents, the superdistribution data is produced.

Neither Imai nor Yoshida discloses or suggests the features discussed above and claimed in present claim 22. Rather, Imai merely discloses a data input/output management scheme, where it is judged whether or not the data is protected data which is readable but prohibited from being copied. The Yoshida merely discloses a software distribution system in which an encrypted software is distributed and when a user wishes to use the software, a decryption key is issued by paying a software usage charge.

Thus, claims 22-28 are not anticipated by Imai or Yoshida. Further, it is submitted that it would have not been obvious to one a person having ordinary skill in the art at the time the present invention was made to modify or combined Imai and Yoshida in such a manner as to result in, or otherwise render obvious, the invention as recited in claim 22. Accordingly, it is submitted that claims 22-28 are allowable over the prior art of record.

In item 11, the Examiner again indicates a refusal to consider the co-pending applications cited in the IDS of November 9, 1999. Applicants again direct the Examiner to the detailed statements on page 20 of the response filed July 22, 2002, and again submit that the Information Disclosure Statement filed November 9, 1999 is in compliance with the rules in that the Information Disclosure Statement was filed prior to the rule change of November 7, 2000. Thus, Applicants again

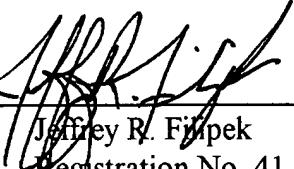
request that the Examiner properly consider the co-pending applications listed in the Information Disclosure Statement properly filed on November 9, 1999.

In view of the above amendments and remarks, it is submitted that the present application is in condition for allowance. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues and to expedite allowance of the application.

Respectfully submitted,

Kenji TAGAWA et al.

By:


Jeffrey R. Filipek
Registration No. 41,471
Attorney for Applicants

JRF/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 28, 2003